

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SANDRA L. FERGUSON,

Case No. C17-1685RSM

Plaintiff,

MINUTE ORDER STRIKING ROBERT GOULD'S OBJECTIONS TO SUBPOENA

V.

## BRIAN J. WAID AND THE WAID MARITAL COMMUNITY,

## Defendants.

This matter comes before the Court on non-party Robert Gould's Objections to Purported Subpoena, filed with the Court on May 30, 2018. Dkt. #92. Mr. Gould does not attach the purported subpoena in question.

Federal Rule of Civil Procedure 45 states in part:

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

1 (i) At any time, on notice to the commanded person, the serving  
2 party may move the court for the district where compliance is  
3 required for an order compelling production or inspection.

4 (ii) These acts may be required only as directed in the order, and  
5 the order must protect a person who is neither a party nor a party's  
6 officer from significant expense resulting from compliance.

7 Fed. R. Civ. P. 45(d)(2)(B). This rule separately discusses how to file a motion to quash a  
8 subpoena. *See* Fed. R. Civ. P. 45(d)(3).

9 Given the limited information before it, the Court believes Mr. Gould is objecting to a  
10 subpoena to produce documents as contemplated by Rule 45 above. However, instead of (or in  
11 addition to) serving these objections on the party who served the subpoena, Mr. Gould has filed  
12 these objections with the Court. Mr. Gould has not filed a motion to quash the subpoena.

13 The Court will not rule on these objections. The Court finds that these objections are  
14 not properly before the Court, although they have now been served on the party by virtue of the  
15 Court's CM/ECF system. The next step, if it happens, would be for the party who served the  
16 subpoena to "move the court... for an order compelling production." Fed. R. Civ. P.  
17 45(d)(2)(B)(i). Given all of the above, the Court will STRIKE the Objections, Dkt. #92, as  
18 procedurally improper and remove them from the Court's Motions Calendar. The Court  
19 DIRECTS the Clerk to mail a copy of this Order to Robert Gould at P.O. Box 6227 Edmonds,  
20 WA 98026.

21  
22  
23  
24 DATED this 30<sup>th</sup> day of May, 2018.

25 WILLIAM McCOOL, Clerk  
26

27 By: /s/ Paula McNabb  
28 Deputy Clerk